

THE EUROPEAN LANDSCAPE CONVENTION WELFARE AND STARLIGHT

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“Two things fill the mind with ever new and increasing admiration and awe, the more often and steadily we reflect upon them: the starry heavens above me and the moral law within me.”

Kant, Critique of Practical Reason

*“The landscape...
... is a key element of individual and social well-being and ... its protection, management and planning entail rights and responsibilities for everyone.”*

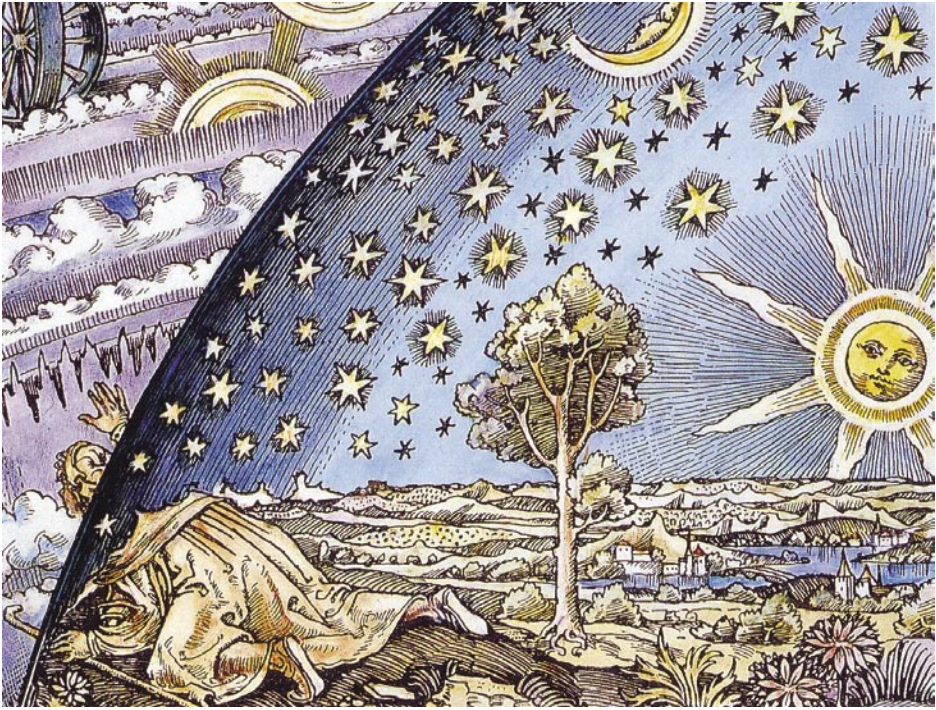
Preamble to the European Landscape Convention

The human being has a special responsibility towards the environment, and even a solemn responsibility to protect and improve it for present and future generations, states the Stockholm Declaration adopted in 1972 by the United Nations Conference on the Environment. Humans must, as the World Conservation Strategy, adopted in 1980 points out, maintain essential ecological processes and life supporting systems preserve genetic diversity and ensure the long term use of species and ecosystems. However, they can only do this if their rights in certain areas are recognized.

The first principle of the Stockholm Declaration proclaims: *“Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being...”*. The international community thus affirmed for the first time the importance of the human right to the environment. Twenty years later, the Rio Declaration on Environment and Development recognized that environmental issues are best handled with the participation of all citizens, at the relevant level.

What progress will have been made by then to implement this principle? While the human right to the environment no longer seems to be disputed, it is now time to guarantee enjoyment of that right. The question of “human rights and the environment” was discussed again at the United Nations World Summit on sustainable development in Johannesburg and the importance of the Aarhus Convention on Access to information, public participation in decision-making and access to justice in environmental matters stressed.

The need to preserve the world environment is of such vital importance, since it now concerns every human being, that the question of human rights to the environment can



Engraving from the book "*L'atmosphère: météorologie populaire*" by Camille Flammarion, 1888.

no longer be ignored, tackled indirectly or treated as a marginal issue. These rights are precisely defined in appropriate instruments. Progress in this direction seems inevitable, because of its absolute necessity.

The Council of Europe¹ has the task of promoting democracy, human rights and the rule of law, and of addressing the major problems facing contemporary society. The Recommendation Rec. (2002) 1 of the Committee of Ministers to member states on the Guiding principles for sustainable spatial development of the European Continent (PDDTDCE-CEMAT), adopted at the 12th Session of the European Conference of Ministers responsible for Regional Planning (CEMAT) of Council of Europe member states seeks to protect Europeans' quality of life and well-being taking into account landscape, cultural and natural values².

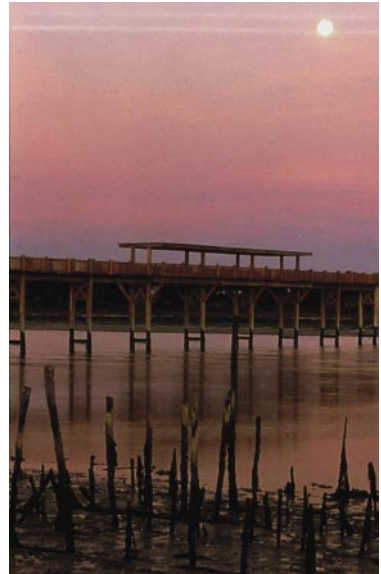
Adopted in Florence (Italy) on 20 October 2000 and came into force on 1st March 2004, the European Landscape Convention is aimed at promoting the protection, management and planning of European landscapes and organising European co-operation on landscape issues. It is the first international treaty to be exclusively concerned with all dimensions of European landscape. It applies to the entire territory of the Parties and relates to natural, urban and peri-urban areas, whether on land, water or sea. It therefore concerns not just remarkable landscapes but also ordinary everyday landscapes and blighted areas. The Member States of the Council of Europe signatory to the European Landscape Convention declared their concern to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and

the environment. The cultural dimension is also of fundamental importance.

The terms used in the Convention are defined in order to ensure that they are interpreted uniformly by everyone concerned with the well-being of Europe's landscapes:

- “landscape” means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors;
- “landscape policy” means an expression by the competent public authorities of general principles, strategies and guidelines that permit the adoption of specific measures aimed at the protection, management and planning of landscapes;
- “landscape quality objective” means, for a specific landscape, the formulation by the competent public authorities of the aspirations of the public with regard to the landscape features of their surroundings;
- “landscape protection” means action to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity;
- “landscape management” means action, from a perspective of sustainable development, to ensure the regular upkeep of a landscape, so as to guide and harmonise changes which are brought about by social, economic and environmental processes;
- “landscape planning” means strong forward-looking action to enhance, restore or create landscapes.

In each area of landscape, the balance between these three types of activity depends on the character of the area and the objectives agreed. Some areas may merit the strictest protection. At the other extreme, there may be areas whose landscapes are severely damaged and need entirely reshaping. Most landscapes need a combination of the three modes of action, and some of them require some degree of intervention. In seeking the right balance between protection, management and planning of a landscape, the Convention does not aim to preserve or “freeze” the landscape at a particular point in its lengthy evolution. Landscapes have always changed and will continue to change, both through natural processes and through human action. In fact, the aim should be to manage future changes in a way which recognises the great diversity and the quality of the landscapes that we inherit and which seeks to preserve, or even enhance, that diversity and quality instead of allowing them to decline. Any government wishing to implement the principles of good governance needs to give due emphasis to landscape in its national and international policies.



Photograph by César Portela.

The Contracting Parties undertake to protect, manage and/or plan their landscapes by means of a whole series of measures at national level:

- to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;
- to establish and implement landscape policies aimed at landscape protection, management and planning;
- to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of landscape policies;
- to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape³.

The Contracting Parties undertake also to co-operate in the consideration of the landscape dimension of international policies and programmes, and to recommend, where relevant, the inclusion in them of landscape considerations. They further undertake to co-operate in order to enhance the effectiveness of measures taken under the Convention, and in particular: to render each other technical and scientific assistance in landscape matters through the pooling and exchange of experience, and the results of research projects; to promote the exchange of landscape specialists in particular for training and information purposes; and to exchange information on all matters covered by the provisions of the Convention. Transfrontier landscapes are covered by a specific provision: the Parties undertake to encourage transfrontier co-operation at local and regional level and, wherever necessary, prepare and implement joint landscape programmes.

It is possible to recall the Council of Europe's role in addressing the major problems facing society. At the Third Council of Europe Summit, heads of state and government of the organisation's member states pledged to improve "*the quality of life for citizens*". In the section of the Action Plan on "*promoting sustainable development*", they recognised that the Council of Europe would, on the basis of the existing instruments, further develop and support integrated policies in the field of environment, landscape and spatial planning, in a spatial development perspective. The European Landscape Convention sets out to secure precisely this quality of life for citizens, as is stated in its preamble: "landscape is an important part of the quality of life for people everywhere: in urban areas and in the countryside, in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas". It is wrong to suppose that the quality of a given area is irrelevant or unimportant, or a luxury we cannot afford. Quality of territory, including quality of the sky light is synonymous with quality of life: ecological life, social life, cultural life and economic life. Landscape is where all four pillars of sustainable development converge. It is the cornerstone of sustainable development.

Starlight can be considered as an important part of the landscape dimension. Several experiences of light plan of cities are developed through Europe. The experiences of

Gand in Belgium or Lille in France, can be mentioned. Some countries started also to analyse the issue of light emission in a very broad and sustainable approach. The Guidelines adopted in Switzerland on light emissions were notably presented at the Fourth Meeting of the Workshops for the implementation of the European Landscape Convention held in Ljubljana, Slovenia, on 11 and 12 May 2006 on “*Landscape and society*”.

In these early years of the 21st century, it is important to recognise that human rights, as defined in the 1950s in the wake of the second world war and as enshrined and recognised in the European Convention on Human Rights and the European Social Charter, must gradually evolve to accommodate new concerns, with due regard for what may be termed “the territorial and heritage aspect of human rights”. Admittedly, this concept needs to be explored and developed further, but it is difficult to see how we can possibly not be concerned about what happens to the land around us, land that is, by nature, finite and which it is up to us to pass on to future generations. Or how we can possibly not care about what happens to our natural and cultural heritage, an invaluable asset yet one that is all too often irreversibly threatened. It is important, therefore, to consider these new rights, but also the new duties and responsibilities that go with them. The European Landscape Convention talks about “*rights and responsibilities for everyone*” while the Council of Europe Framework Convention on the Value of Cultural Heritage for Society refers to “*rights and responsibilities relating to cultural heritage*”. That means working together to look after our world for future generations, and finding the best ways to protect, manage, develop and shape them, as it were.

The right to the environment can be considered as one of the major human rights of this century, since the most fundamental human right of all – the right of existence – is under threat.

In any hierarchy of human rights, if such a thing were possible, it would have to be placed among the most important of all. For many years now scientific experts have been



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pointing out that it is not just the quality of life but life itself which is in danger. The growing number of dangerous substances allowed to find their way into water, the soil and the atmosphere is leading to an increased pollution. Together with the over exploitation of resources and destruction of landscapes, these factors are transforming what were once nuisances into serious dangers for the human race and the whole biosphere. These risks extend not just beyond State frontiers but also beyond the frontiers of the Earth.

Moreover, a thoroughly modern concept, landscape combines all four elements of sustainable development: natural, cultural, social and economic. It is a constantly evolving story, the main thread of which may be grasped by examining the history, characteristics and modern reality of a particular area, and the way society perceives it. A unique setting and meeting place for populations, landscape is a key factor in the physical, mental and spiritual well-being of individuals and societies. A source of inspiration, it takes us on a journey, both individual and collective, through time, space and imagination.

Notes

1. The Council of Europe is an intergovernmental organisation founded in 1949. Its headquarters are in Strasbourg, France, and it has 46 member states (As at 15 October 2006: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, “the former Yugoslav Republic of Macedonia”, Turkey, Ukraine, United Kingdom).
2. On the subject of natural and cultural heritage, see the other Council of Europe Conventions: Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 19 September 1979), Convention for the Protection of the Architectural Heritage of Europe (Grenada, 3 October 1985), European Convention on the Protection of the Archaeological Heritage (Londres, 6 May 1969), (revised, Valetta, 16 January 1992) and the Framework Convention on the Value of Cultural Heritage for Society (Faro, 27 October 2005).
3. The Contracting Parties undertake also to implement specific measures:
 - awareness-raising: this involves increasing awareness among civil society, private organisations and public authorities of the value of landscapes, their role and changes to them;
 - training and education: this involves promoting: training for specialists in landscape appraisal and operations; multidisciplinary training programmes in landscape policy, protection, management and planning, for professionals in the private and public sectors and for the relevant associations; school and university courses which, in the relevant subject areas, address the values attaching to landscapes and the issues raised by their protection, management and planning;
 - identification and assessment: this involves mobilising the interested parties with a view to improving knowledge of the landscapes and guiding the landscape identification and assessment procedures through exchanges of experience and methodology, organised between the Parties at European level;
 - landscape quality objectives: this involves framing landscape quality objectives for the landscapes identified and assessed, after public consultation;
 - implementation: this involves introducing instruments aimed at protecting, managing and/or planning the landscape.